

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/14/2009 has been entered.

Status of Claims

Claims 1-3 and 5-23 were previously rejected and claim 1 is newly amended. Claim 4 has been cancelled. Claims 1-3 and 5-23 are currently pending.

Response to Arguments

Applicant's arguments, see pp. 6-8, filed 12/14/2009, with respect to claims 1-3 and 5-23 have been fully considered and are persuasive. The rejection of claims 1-3 and 5-23 has been withdrawn.

Allowable Subject Matter

Claims 1-3 and 5-23 are allowed (and have been renumbered 1-22).

The following is a statement of reasons for the indication of allowable subject matter:
With respect to claim 1, though the prior art discloses all of the limitations of claim 1 in separate

references, the prior art of record fails to teach or suggest a rationale to modify any of any one of those reference to achieve the claimed invention. For example, the prior art fails to teach a rationale to modify a reference where the second distance is less than the first distance to be a second distance greater than the first distance.

With respect to claims 2, 3 and 5-23, these claims depend on claim 1 and are allowable at least for the reasons stated supra.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Consilvio whose telephone number is (571) 272-2453. The examiner can normally be reached on Monday thru Thursday, 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Stephone B. Allen can be reached on (571) 272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/M. C./
Examiner, Art Unit 2872

/Alessandro Amari/
Primary Examiner, Art Unit 2872